

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SOTO

Petitioner,

No. CIV S-04-2122 MCE EFB P

vs.

D. ADAMS,

Respondent.

ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. On August 18, 2006, the court denied petitioner's request to stay this action and hold it in abeyance, and gave petitioner 30 days either to notify the court that he intended to proceed on the July 25, 2005 petition, or to file a motion to amend the petition with an amended petition.

On September 8, 2006, petitioner filed a request to proceed with the July 25, 2006, petition.

Accordingly, it is ORDERED that:

1. Petitioner's September 8, 2006, request is granted and this matter proceeds on the petition filed July 25, 2006;

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1 2. Respondent shall file and serve an answer or motion responding to the application
2 within 60 days from the date of this order. *See* Rule 4, Fed. R. Governing § 2254 Cases. An
3 answer shall be accompanied by any and all transcripts or other documents relevant to the
4 determination of the issues presented in the application. *See* Rule 5, Fed. R. Governing § 2254
5 Cases.

6 3. If the response is an answer, petitioner's reply, if any, shall be filed and served within
7 30 days of service of an answer.

8 4. If the response is a motion, petitioner's opposition or statement of no opposition shall
9 be filed and served within 30 days of service of the motion. Respondent shall have 15 days to
10 file and serve a reply to any opposition.

11 Dated: October 5, 2006.

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14 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE
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